

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

CHARLES MELANDO,	)	
	)	
Petitioner,	)	4:09CV3177
	)	
v.	)	
	)	
DENNIS BAKEWELL, Warden;	)	ORDER
CHADRON COMMUNITY HOSPITAL;	)	
C.A. SUTERA, M.D.,	)	
	)	
Respondents.	)	
	)	

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Petitioner has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 (Filing No. 1), a motion for leave to proceed in forma pauperis (Filing No. 5), and a copy of his prisoner trust account statement (Filing No. 6).

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. 28 U.S.C. § 1914(a). However, pursuant to 28 U.S.C. § 1915(a)(1)-(2), and after considering petitioner's financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted, but petitioner must nevertheless pay the \$5.00 fee within 60 days. The Court cautions petitioner that failure to adequately comply with this order may result in dismissal of his petition without further notice.

IT IS ORDERED:

1. The application to proceed in forma pauperis (Filing No. 5) is provisionally granted, but petitioner must pay the \$5.00 filing fee by October 28, 2009.

2. The clerk of the court is directed to set a pro se case management deadline in this case with the following text:  
October 28, 2009: deadline for payment of \$5.00 filing fee.

DATED this 29th day of September, 2009.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court